



2001 Butterfield Road
Downers Grove, IL 60515
(630) 512-1000

Refrigerated Prepared Foods

2799 '99 MAY 19 09:29

May 18, 1999

Attn.: Docket Management Branch (HFA-305)
Food and Drug Administration
Department of Health and Human Services
5630 Fishers Lane, Room 1061
Rockville, MD 20852

by fax (301) 827-6870

RE: Docket No. 98N-1038

Irradiation in the Production, Processing, and Handling of Food

To Whom it May Concern:

ConAgra Refrigerated Prepared Foods, operates as Armour Swift-Eckrich Consumer Products Company, Armour Swift-Eckrich Deli/Foodservice Company, Butterball Turkey Company, National Foods, Decker, and Cook's. These companies produce and distribute primarily processed meat and poultry food products, deli meats, pork, and turkey products in the United States and international markets. Additionally, we produce products under FDA regulation. Our well known brands include Armour, Brown 'N Serve, Butterball, Decker, Eckrich, Healthy Choice, Hebrew National, Longmont, Schrieber, Swift Premium, Texas Signature and Webber's.

The food industry has always realized the importance of and focused on the quality of their products. Our company views food safety as a top priority and is with the industry actively developing technologies and using resources to control pathogens. We commend both FDA and the USDA for their efforts and regulatory activity to allow the use of ionizing radiation for food products. This is a very important priority and is critical to the country's food safety initiative. Irradiation is a tool which can be used as an important part of our processes to meet public food safety objectives and further ensure the safety of our products. It is equally important however, that labeling requirements do not contribute to consumer apprehension or discourage the use of a process that may contribute to the safety of our food supply.

We also appreciate FDA's efforts in responding to the National Food Processors Association (NFPA) petition(s), among others, to address current labeling requirements

98N-1038

C2343

for irradiated food. We believe NFPA's arguments have merit and urge the FDA to give them due consideration.

Labeling and Claims

Irradiation is a safe process which poses no danger to the consumer. It is ionizing energy and is not "added" to the product. We do not believe labeling is required in this situation. However, as most consumers do not yet understand the process and may want to identify product which has been irradiated they may benefit from some type of product labeling. This is because consumers may have certain expectations of irradiated product.

Educating consumers is an important component to their acceptance of irradiation technology and process. It has been shown in consumer studies that neither the product label or point of purchase information is an effective tool in educating consumers. The FDA should support consumer education through the media and other more effective methods to ensure consumers' understanding of irradiation's potential role in the production process and in meeting food safety objectives.

If it is thought that consumers may benefit from having irradiated product identified, the radura symbol is internationally recognized and we believe sufficient to designate intact packaged product treated with irradiation. It could be placed on the principal display panel of the labeled product or conspicuously displayed at point of purchase. This labeling provision could have a time/sunset provision attached to the regulation once consumers' are comfortable with this technology.

Nevertheless, the labeling designation "irradiated (food ingredient)" becomes meaningless and potentially misleading when used to identify product components in an ingredient declaration. There will be no assurance that the irradiated ingredient contributes to the final integrity of the finished product. This would only be confusing to consumers. Furthermore, FDA has not required ingredients such as "irradiated" spices to have additional disclosure in a component product's ingredient statement. Any new requirements may be potentially misleading to consumers.

Claims which further describe the benefit of the irradiation process as applied to the product may also benefit consumers. Any claim made by a manufacturer would of course need to be adequately substantiated but we see no need for prior approval of claims by either the FDA or USDA. Perhaps a notification system similar to the structure/function claim provision used by FDA would allow the agency to address any concerns.

Other Issues

In the past, the process of having both FDA and USDA consider, approve, and issue necessary regulations for use of additives has been obviously inefficient and needs to be addressed by both agencies. Delays in issuing these recently proposed rules concerning irradiation by both agencies and the necessary consideration of the application of this technology to all meat and poultry processed products present the possibility of yet more

inefficient use of resources and decision making. We urge the agencies to develop a more efficient process of joint review.

The agencies have previously acknowledged the ingredient/additive approval process could be improved and have suggested an expedited process in their proposal of December, 1995 (Docket No. 88-026P). Action on this proposed rule seems to have been delayed. We would encourage both agencies to use this opportunity to finish rulemaking and implement a more efficient review and approval of substances.

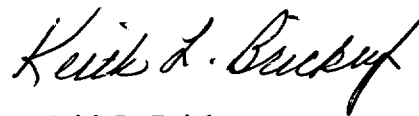
This is because, the recent proposed rule by the USDA limits the application of this technology to basic meat products. However, the food safety benefits that irradiation would provide to purchasers of plain "meat" products are also desirable for the consumers of value-added products, especially those consumers at higher risk. Value-added products make use of other ingredients (such as starches, enzymes, liquids, etc.), which are added to enhance flavor and texture, replace fat, and tenderize or marinate the meat.

These raw "value added" products offer consumers the additional benefits of providing tasty, healthy, and nutritional choices as well as convenience. Consumers are just as concerned about the availability of these product choices as they are about the safety of our products.

Finally and because most of our products are under USDA regulation, it is extremely important to us that FDA's consideration of radiation and regulations and the USDA regulations are consistent. Although we do not agree with FDA's classification of "irradiation" as a food additive, we must accept this for purposes of regulatory rulemaking. However, this continued consideration and focus of the irradiation process as an additive unduly complicates and slows the application of this important technology to other meat and poultry products.

In summary and although we do not believe labeling should be required for irradiated products, if it is of benefit to some consumers at this time, the radura symbol alone could be used to identify irradiated intact product. We appreciate the opportunity to submit comments and recommendations relevant to this advance notice of proposed rulemaking.

Yours truly,

A handwritten signature in black ink, appearing to read "Keith L. Brickey". The signature is fluid and cursive, with the first name "Keith" being the most prominent part.

Keith L. Brickey
Vice President
Quality Assurance



2001 Butterfield Road
Downers Grove, IL 60515
(630) 512-1000

Refrigerated Prepared Foods

2803 '99 MAY 19 A9:29

May 18, 1999

Attn.: Docket Management Branch (HFA-305)
Food and Drug Administration
Department of Health and Human Services
5630 Fishers Lane, Room 1061
Rockville, MD 20852

by fax (301) 827-6870

RE: Docket No. 98N-1038
Irradiation in the Production, Processing, and Handling of Food

To Whom it May Concern:

ConAgra Refrigerated Prepared Foods, operates as Armour Swift-Eckrich Consumer Products Company, Armour Swift-Eckrich Deli/Foodservice Company, Butterball Turkey Company, National Foods, Decker, and Cook's. These companies produce and distribute primarily processed meat and poultry food products, deli meats, pork, and turkey products in the United States and international markets. Additionally, we produce products under FDA regulation. Our well known brands include Armour, Brown 'N Serve, Butterball, Decker, Eckrich, Healthy Choice, Hebrew National, Longmont, Schrieber, Swift Premium, Texas Signature and Webber's.

The food industry has always realized the importance of and focused on the quality of their products. Our company views food safety as a top priority and is with the industry actively developing technologies and using resources to control pathogens. We commend both FDA and the USDA for their efforts and regulatory activity to allow the use of ionizing radiation for food products. This is a very important priority and is critical to the country's food safety initiative. Irradiation is a tool which can be used as an important part of our processes to meet public food safety objectives and further ensure the safety of our products. It is equally important however, that labeling requirements do not contribute to consumer apprehension or discourage the use of a process that may contribute to the safety of our food supply.

We also appreciate FDA's efforts in responding to the National Food Processors Association (NFPA) petition(s), among others, to address current labeling requirements

11 05/18 15:21 TO/FROM 3018276870 EC--S 01.09" 003 255 OK
DATE TIME MODE MIN/SEC PGS JOB# STATUS
PSE PDL EAST
PS OF MAY 18 1999 15:23 PAGE.01
** TX STATUS REPORT **

FedEx USA AirbillFedEx
Tracking
Number

810066119707

Form
I.D. No.

0200

Recipient's Copy

1 From
Date 5/18/99

Sender's Name Kay Jakab Phone (630) 512-1072

Company Armour Swift Eckrich P.D.L.

Address 3131 Woodcreek Drive Dept./Floor/Suite/Room _____

City Duwiners Grove State IL ZIP 60515

2 Your Internal Billing Reference Information 4065651

3 To
Recipient's Name Docket Management Branch (HFA-305) Phone 301 827-6880

Company FDA / Department of Health & Human Services

Address 5630 Fishers Lane Room 1061 Dept./Floor/Suite/Room _____

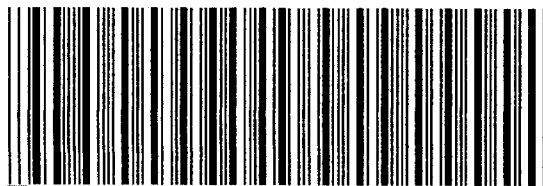
City Rockville State MD ZIP 20852

For HOLD at FedEx Location check here

- ☐ **Hold Weekday**
(Not available with
FedEx First Overnight)
- ☐ **Hold Saturday**
(Available for FedEx Priority Overnight
and FedEx 2Day only)

For WEEKEND Delivery check here (Extra Charge, Not available at all locations)

- ☐ **Saturday Delivery**
(Available for FedEx Priority
Overnight and FedEx 2Day only)
- ☐ **NEW Sunday Delivery**
(Available for FedEx
Priority Overnight only)



8 1 0 0 6 6 1 1 9 7 0 7

4a Express Package Service Packages under 150 lbs. Delivery commitment may be later in some areas.

☐ FedEx Priority Overnight (Next business morning)
☐ FedEx First Overnight (Earliest next business morning delivery to select locations) (Higher rates apply)
☐ FedEx 2Day (Second business day)
☐ FedEx Express Saver (Third business day)
☐ FedEx Letter Rate not available. Minimum charge: One pound rate.

☒ FedEx Standard Overnight (Next business afternoon)

4b Express Freight Service Packages over 150 lbs. Delivery commitment may be later in some areas.

☐ FedEx Overnight Freight (Next business day)
☐ FedEx 2Day Freight (Second business day)
☐ FedEx Express Saver Freight (Up to 3 business days)

(Call for delivery schedule. See back for detailed descriptions of freight services.)

5 Packaging ☐ FedEx Letter (Declared value limit \$500) ☒ FedEx Pak ☐ FedEx Box ☐ FedEx Tube ☐ Other Pkg.

6 Special Handling (One box must be checked)
Does this shipment contain dangerous goods? ☐ No ☐ Yes (As per attached Shipper's Declaration) ☐ Yes (Shipper's Declaration not required)
☐ Dry Ice ☐ Dry Ice, 9, UN 1845 x kg. ☐ Cargo Aircraft Only
*Dangerous Goods cannot be shipped in FedEx packaging.

7 Payment ☐ Obtain Recipient FedEx Account No.

Bill to: ☒ Sender (Account No. in Section 1 will be billed) ☐ Recipient (Enter FedEx Account No. or Credit Card No. below) ☐ Third Party ☐ Credit Card ☐ Cash/Check

Total Packages	Total Weight	Total Declared Value*	Total Charges
		\$.00	\$

*When declaring a value higher than \$100 per shipment, you pay an additional charge. See SERVICE CONDITIONS, DECLARED VALUE, AND LIMIT OF LIABILITY section for further information.

8 Release Signature Credit Card Auth.

Your signature authorizes Federal Express to deliver this shipment without obtaining a signature and agrees to indemnify and hold harmless Federal Express from any resulting claims.

Questions?

Call 1-800-Go-FedEx® (800)463-3339

321

WCSL 1098
Rev. Date 7/98
Part #153023
©1994-98 FedEx
PRINTED IN U.S.A.